

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF PENNSYLVANIA

VERNON L. EALY, JR.,

Plaintiff.

vs.

COMPLAINT

Civil Action No. _____

1:20-CV-1123

WILLIAM BECHTOLD, WARDEN,
MICHELLE WELLER, Deputy Warden,
JAMES SULLEN, Deputy warden,
SMITH, Captain of Security,
STERNER, Cts Response,
JUSTIN LENS BOWER, MS., LPC.,
CLEN DENING, Correction Officer,
BANKERT, Correction Officer,
MCCLURE, Correction Officer,
SANCHEZ, Correction Officer,
J. FRENCH, Correction Officer,
SUMMERS, Correction Officer,
RHODES, Correction Officer,
DANATTO, Correction Officer,
FINK, Correction Officer,
JONES, Kitchen Supervisor,
M. AFFLECK, J. AFFLECK, Correction Officers,
NURSE BONJOVI, MEDICAL PROVIDER,
JOHN DOE, Correction Officer, JOHN DOE, LT.,
SHAFFER, LT., ELLIOT, LT., AVEY, LT. ARNOLD LT.,
CREAMER, LT., PETRILL, LT., HUNTSBERRY, LT.,
individually and in their official
capacities,

Defendants.

FILED
SCRANTON
JUL 02 2020

PER _____
DEPUTY CLERK

I. JURISDICTION & VENUE

1. This is civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1342 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 & 2202. Plaintiff claims for preliminary injunction and injunctive relief

are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.

2. The Middle District of Pennsylvania is an appropriate venue 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFF

3. Plaintiff Vernon L. Ealy, Jr., is and was at all times a pretrial detainee of Franklin County Jail located at 1804 Opportunity Avenue, Chambersburg Pennsylvania. He is currently confined in Franklin County Jail.

II. DEFENDANTS

3. Defendant William Bechtold is the Warden of Franklin Couty Jail. He is legally responsible for the operation of Franklin County Jail and for the welfare of all the inmates of that jail.

4. Defendant Michelle Weller is the Deputy Warden for the Administrator at Franklin Couty Jail. She is legally responsible for the operation of Services and for the welfare of all the inmates of that jail.

5. Defendant James Sullen is the Deputy Warden for Security at Franklin Couty Jail and is in charge of the Supervision and discipline of all correctional staff at Franklin County Jail.

6. Defendant Bonjovi is a Lpn Nurse at Franklin Couty Jail. She is legally responsible for the medical care of all the inmates of that jail.

7. Defendant Sterner is the CTS Response at Franklin Couty Jail. She is responsible for the fisrt response of the Grievanse process and for the CTS of all the inmates of that jail.

8. Defendant Jusitn Lensbower is the Medical Administrator at Franklin Couty Jail and is generally responsible for ensuring provision of medical care to inmates and specifically for scheduling medical appoinments outside the prison when a inmate needs specialized treatment or evaluation.

9. Defendant Debrah Jones is the Kitchen Supervisor at Franklin Couty Jail. She is legally responsible for the operation of Kitchen and for distribution of food for all the inmates of that jail.

10. Defendant Danatto is a Correction Officer at Franklin Couty Jail. Held the rank of prison guard.

11. Defendant Clendenin is a Correction Officer at Franklin Couty Jail. Held the rank of prison guard. .

12. Defendant J. Affleck is a Correction Officer at Franklin Couty Jail. Held the rank of prison guard.

13. Defendant M. Affleck is a Correction Officer at Franklin Couty Jail. Held the rank of prison guard.

14. Defendant J. French is a Correction Officer at Franklin Couty Jail. Held the rank of prison guard.

15. Defendant Fink is a Correction Officer at Franklin Couty Jail. Held the rank of prison guard.

16. Defendant Summers is a Correction Officer at Franklin Couty Jail. Held the rank of prison guard.

17. Defendant John Doe is a Correction Officer at Franklin Couty Jail. Held the rank of prison guard

18. Defendant Shaffer is a Leutenant at Franklin Couty Jail. He supervises the Correction Officers and executing the Misconducts and conducts disciplinary hearings of inmates assigned to him.

19. Defendant Avey is a Leutenant at Franklin Couty Jail. She supervises the Correction Officers and executing the Misconducts and conducts disciplinary hearings of inmates assigned to her.

20. Defendant Elliott is a Leutenant at Franklin Couty Jail. He is in charge of supervising the Correctional Officers and executing the Misconducts and conducts disciplinary hearings of inmates assigned to him.

21. Defendant John Doe is a Leutenant at Franklin Couty Jail. He is in charge of supervising the Correctional Officers and executing the Misconducts and conducts disciplinary hearings of inmates assigned to him.

22. Defendant Arnold is a Leutenant at Franklin Couty Jail. He supervises the Correction Officers and executing the Misconducts and conducts disciplinary hearing of inmates assigned to him.

23. Defendant Creamer is a Leutenant at Franklin Couty Jail. He supervises the Correction Officers and executing the Misconducts and conducts disciplinary hearing of inmates assigned to him.

24. Defendant Huntsberry is a Leutenant at Franklin Couty Jail. He supervises the Correction Officers and executing the Misconducts and conducts disciplinary hearing of inmates assigned to him.

25. Defendant Petrill is a Leutenant at Franklin Couty Jail. He supervises the Correction Officers and executing the Misconducts and conducts disciplinary hearing of inmates assigned to him.

26. Each defendant is sued individually and in his official capacity. At all times mentioned in this complaint each defedant acted under the color of state law.

III. FACTS

27. Plaintiff Ealy was re-admitted in FCJ around January 10th of 2019. Plaintiff immediately noticed harsh treatment from several unknown staff members. Ealy believes this was due to him filing grievances and lawsuits several years ago. After hearing officers talk negative about him lead him to confirm this belief.

28. Plaintiff had major surgery on his right foot prior to his arrest. A cast, stitches, and pins were removed from Plaintiff's foot and he entered FCJ with a medical boot.

29. On or around February 12, 2019, Ealy was called to booking for court. Inmates must report to booking for court as well as outside doctor appointments. Inmates are also stripped searched prior to leaving as well as entering booking.

30. Defendant Donatto yelled "Hurry up"! at Ealy. Plaintiff replied he was moving as fast as he can due to his handicapped foot. Donatto replied "Your on my time"! Plaintiff entered the bathroom to get stripped search, C.O. Donatto violently shook Ealy's jumper almost hitting him in the face. Donatto tossed Ealy's jumper and underclothes into a wet sink.

31. When ask why did he do that by plaintiff, " Donatto replied "Because I can"! Ealy felt humiliated, cold, and was emotinally distressed when he was forced to go to court soaking wet. (See Exhibit L)

32. On February 18, 2019, around 2200 hours, Plaintiff was called out of his cell on D-unit by the unit officer, and ordered to report to booking to get finger printed and picture taken for charges.

33. Plaintiff is African American and also a Muslim that's acting Imam at FCJ only represents 1% of the inmate population. Upon entering the room in booking Ealy was told to take off his Kufi (religious head piece). Ealy explained that he wished to keep on the kufi to practice his religion.

34. The unknown officer left the room and returned with Defendant J. Affleck who immediately yelled " Take that hat off now"! Ealy replied that he was a muslim, Affleck immediately lunged towards Ealy causing him to panic and jumped back in fear. Ealy took off his kufi fearing further discrimination.

35. On March 09, 2019, Ealy received a cellmate who was released from segregation. Ealy noticed a horrible strong odor emanating from his new cellmate. Plaintiff was told by his cellmate that officers refused him a shower for a month. He was also not given a towel and underclothes.

36. Defendant Sanchez was the working block officer on D-unit. Plaintiff complained to Sanchez about his new cellmate's hygiene and explained he had no underclothes nor towel. FCJ policy states in the handbook that inmates must keep up with their hygiene or be faced with a misconduct.

37. Defendant Sanchez told Ealy that his cellmate had to put a request slip to property clerk. Plaintiff pleaded with Sanchez to retrieve the items himself which he was capable of doing. Plaintiff expressed he would not be able to sleep for the whole weekend if Sanchez did not comply. Sanchez stated " Its not my problem"! Because Sanchez refused to get a towel and underclothes for my cellmate. Ealy struggled to sleep for 3 days causing him mental distress and headaches from the extreme odor of his cellmate. (See Exhibit A)

38. On March 12, 2019, Plaintiff was returning from court, chained around the waist and wrists. Muslims are prohibited in wearing images of humans or animals as practiced by the Prophet. Especially during prayer which is while walking, sitting or standing. Ealy, was in prayer while in the van on the way back to FCJ and had his face covered on his ID with a small piece of paper. J. Affleck barged from booking taking off other inmates chains and handcuffs.

39. When she reached Plaintiff she became aggressive and yanked on his chain and wrists causing him pain. He expressed this to her and she ignored him, ordering Ealy to report to a cell to get stripped. After being stripped searched Ealy was ordered to go in a holding cell and was locked in. J. Affleck rushed with scissors in her hand demanding Ealy place his hands out the pothole. When he asked why? she stated because you removed your face on your ID. Ealy took the paper off showing Affleck that his face was not removed, Defendant Affleck yelled "Your going to the hole anyway"! (See Exhibit Q)

40. Plaintiff became emotionally distressed as he complied to her demands. Plaintiff put his hands out off the pothole. Defendant J. Affleck pulled hard on Plaintiff's wrist ID causing a small bruise on Ealy's left wrist as she cut off his ID.

41. Plaintiff was immediately escorted to the RHU thereafter by Defendant J. French. Upon arriving in segregation Ealy requested to speak with a LT. so he could report the incident and show his bruise. Officer French and the unit Officer denied his request. Officer French went back and reported to J. Affleck of my request for the LT. Plaintiff knew this because upon receiving his misconduct later that afternoon, Affleck stated on the misconduct I asked for a LT in her presence which

was false.

42. Plaintiff was stripped and taken to the end cell with freezing temperature. The cell did not have a mattress, blankets or sheets. Plaintiff complained to unit Officers about being cold for 6 hours until finally a mattress, blanket and sheets were brought to him. Causing Ealy to suffer from mental stress and anxiety for not being able to keep warm. (See Exhibit M).

43. While in segregation inmates are locked down for 23 hours a day. Showers are provided 3 times a week as well with an option of outside yard. Inmates are placed in a 3 x 9 cage who are subject to the outside weather. Inmates are provided with a Ultra thin jacket with not other protection from subzero weather.

44. Plaintiff requested to go to the yard to exercise. Plaintiff was subject to extreme cold weather with no gloves, hats or coats. Ealy was shivering for the hour out. Plaintiff became sick the following day and could no longer go to yard because of the cold weather. Causing Plaintiff to become depressed and mental stress. (See Exhibit K)

45. Plaintiff Ealy suffers from Anxiety, PTSD, and depression from being beaten, harassed and discriminated against him by Correction Officers in the Past. Ealy is currently being treated with medication for his condition.

46. Plaintiff Ealy noticed he was being targeted by different officers and requested a meeting with both Deputy Wardens , Weller and Sullen.

47. On March 20, 2019, A meeting was held with the Committee with both deputy wardens included. Ealy complained about harassment, abuse , discrimination that was escalating against him. Ealy was told that his concerns will

be looked into.

48. Plaintiff also complained about being retaliated on by staff members and pleaded with them to hold officers accountable. Also by the Medical Staff members who refused to treat for other conditions including issues with his foot pain and therapy that was prescribe by an outside doctor. (See Exhibit B)

49. On April 19, 2019, Ealy receives a special diet tray with his name marked on it. Upon receiving the tray, Plaintiff noticed a burnt hamburger with a side of old soggy wet lettuce that was uneatable and not safe. Ealy Complained to Defendant Sanchez and asked him to call the kitchen for another tray. Usually when trays have hair or objects in the tray Officers would call to replace the tray for inmates who request it.

50. Officer Sanches replied to Ealy, " If you don't like it then wont you grieve it!" (he was refering to when I grieved him about when he did not act with the cellmate incident). Plaintiff requested to speak with a LT. and Sanchez replied negative. Plaintiff Ealy asked him to please take a picture of the tray with the unit device that is on each unit, again Ealy was denied.

51. Plaintiff was being retaliated on and had to go without eating which made him emotionally stressed and hungry. (See Exhibit C & E)

52. On April 22, 2019, around 7:55 am oddly in the morning me and my cellmate was awaken by an agitated Sanchez and ordered to get dressed and out of the cell so he could search. Ealy explained to Sanchez that his cell was already search just 2 days ago by another unit Officer. Sanchez demanded Ealy and his cellmate out and a search was conducted. Sanchez violently went through inmate Ealy's property

destroying and throwing away his commissary food and items including ripping up his chess board and pieces.

53. Prior to the search Sanchez threatened Ealy that he would search his cell when he comes back from work in retaliation for the grievances that was written against him. He made a statement that he will make Ealy pay every time he is on. It usually only takes an Officer to search a cell, Sanchez took approximately 30 minutes. (See Exhibit H & F)

54. On April 24, 2019, Plaintiff Ealy returned from court. Ealy was confronted by J. Affleck who works in booking. She grabbed the chain that was wrapped around plaintiff's waist the chain was also connected to the cuffs on his wrists. Defendant J. Affleck shook the chain violently and stared in Ealy's eyes saying " Remind me to put your new wrist ID on before you leave for you to your unit"

55. Plaintiff Ealy was afraid and visibly shaken from her actions, because he was already wearing a wrist ID and was wondering why she was trying to replace it. After being stripped by J. Affleck husband M. Affleck, Ealy was ordered to go to J. Affleck to replace his ID.

56. Ealy complied and approached J. Affleck, stretching his arm out so she can cut the ID off his wrist. J. Affleck yelled come closer! Ealy new she was taunting and harassing him because he was already was close enough to her, he became afraid as she yelled repeating the same thing.

57. J. Affleck pulled real hard on Ealy's ID and said in a low tone " Your going to respect me". J. Affleck caused a bruise on Ealy's left wrist. Plaintiff went back to his unit, Showed Officer Bonett his bruise. Bonett took a photo with the block

counting device and reported the incident to a LT. After the incident Ealy was afraid to report to court and was emotionally distressed (See Exhibit N)

58. On the month of May of 2019, Plaintiff Ealy was participating for the fasting for the Holy month of Ramadan. During this time Officers brought oranges to participating muslim cells every night to eat, also food was brought to muslim inmate cells.

59. On May 28, 2019, D-unit had a major shack down (block search) on D-unit near midnight. Defendant Summers ordered Ealy out the cell and placed him in a small class room on the unit to get stripped searched. Plaintiff noticed Summers mean attitude towards him as he was told to stay put in a loud tone by Summers. Plaintiff noticed his cell was searched 30 minutes while others were only done in 5 minutes.

60. Plaintiff witnessed his oranges and commissary items thrown in the trash which he was planning to eat later on to prepare for fasting the following day. Ealy asked for a grievance and Summers retaliated by writing Ealy up and sending him to the hole (segregation). (See Exhibit Y & P)

61. A few moments later, Defendant Clendening came on D-unit ordering Ealy to pack his property so he can be taken to the RHU. Only after a few minutes Clendening yelled "Hurry the fuck up!" Ealy did nothing to provoke this behavior , Plaintiff replied "I am handicap please bare with me".

62. Defendant Clendening immediately pulled out his pepper spray from his waist and pointed the pepper spray at Ealy through the pothole and said " If you dont stop packing and come get cuffed now, " I will fucking spray you"! Plaintiff

became immediatly terrified and complied. Plaintiff cellmate as well as several inmates on the unit was at their door witnessed what was happening. (See Exhibit G)

63. Plaintiff placed his hands behind his back and through the pothole. Clendening placed the cuffs on Plaintiff and pressed hard causing it to become real tight causing Ealy to scream in pain. Causing Ealy's anxiety to rise and mental stress. Ealy struggled to walk at a fast pace while clendening forced him at the same time cursing at Plaintiff. Upon entering E-unit, Clendening pressed Ealy against the shower away from camera view and ordered Defendant Rhoades (Now recently promoted to LT. Rhoades) to come over and watch him. As Defendant Rhoades came close to Plaintiff, Defendant Clendening said to him " This Fucker is going to try and say that I put these handcuffs on him too tight!" , "watch this!" (See Exhibits G)

64. Defendant Clendening gripped Plaintiff hands, while he was still pressed against the shower and in cuffs, and pulled Plaintiffs hands upward real hard causing Plaintiff to scream in pain for several minutes as Clendening tried to place his finger underneath Plaintiff's skin and inbetween the handcuffs. Plaintiff was placed in the shower, locked in and ordered to place his hand out of the pothole to remove the handcuffs, Clendening left the unit afterwards.

65. Plaintiff was suffering from an anxiety attack as he struggled to breath and was visibly shaking. Ealy asked Defendant Rhoades for help, Rhoades came over. Ealy showed Rhoades his wounds, dark deep red bruises on both his wrists. Rhoades responded by saying " Your not bleeding", and shrugged his shoulders.

Both Defendant Rhoades and Clendening was part of C.E.R.T. Ealy new Rhoades was covering for Clendening.

66. Each housing unit is equipped with a counting device that unit officer use to count and scan inmates ID's and also able take photos if necessary. Plaintiff Ealy asked Rhoades to take a picture of his bruises caused by Clendening. Rhoades replied "I don't have a camera". Ealy asked the other officer that was working with Rhoades on the unit and he replied witht the same remark. Ealy then asked for a LT. they both replied negative. Ealy asked for a nurse, Rhoades said he already called and she was on her way.

67. Plaintiff was trying to controll his anxiety attack when nurse Bonjovi entered the unit and Ealy asked for her help as she viewed his bruises. She immediately yelled "Ain't nothing wrong with you!" and stormed off the unit (the nurse threw her hands up should have been caught on camera as she left the unit). Ealy had written Bonjovi up for bringing his meds too late for interferring with his fasting for ramadan. Plaintiff new then that everyone was retaliating and covering up this incident as Ealy was placed in a cell in segregation , so his wounds would heal unrecorded. Furthermore, Plaintiff was placed in the end cell # 8 next to the outside wall where it was extremely cold. Ealy entered and was deprived for seveal hours of sheet, and blankets. After repeated requests for blanket and sheets for warmth Plaitiff passed out shivering from the cold. (See Exhibits D & P)

68. On August 8, 2019, Plaintiff Ealy returned from an outside scheduled physical therapy appointment for his right foot. Upon being stripped in booking, Ealy requested to return to his unit, J. Afflect ordered Ealy to lock up in a holding cell.

Plaintiff anxiety levels started to rise as he complied. Both J. and M. Afflecks are husband and wife who work together in booking. J. Affleck asked Plaintiff if he wanted to eat, Ealy replied he would like to return to his unit.

69. She repeated the request and Ealy knew at this point he was being harassed so he said nothing. After being held in the cell close to an half hour the door opened and J. Affleck rushed over and jammed a write up in Plaintiff's front pocket ordering him to be locked in the cell for 24 hours. J. Affleck yelled " If you disrespect me again, I will send you to the Hole!" (See Exhibit

70. Plaintiff returned to his unit emotionally distressed and humiliated as he was confined to his cell for 24 hours. Ealy was afraid to go to booking and pleaded with both DW Wardens Weller and Sullen for an alternative rout to go to court or doctor appointments so he would not be subject to attacks, They replied in the negative, and said they would not remove the Affleck's from my presence or use any alternative rout leave for court or outside doctor appoinments.

71. On August 15, 2019, Defendant Summers was serving breakfast. Plaintiff usually gets a juice with his meal and noticed there was none. When he asked Summers for a juice he replied with his hands to an empty space. Ealy replied there is no juice and asked for a milk instead, Summers replied NO! and said in a low tone "You know what I did to you last time Fucker!" refering to him sending Ealy to the hole. Ealy continued to get harassed by this guard and other officers causing him mental distress. (See Exhibit J)

72. Defendant McClure who is a homosexual guard at FCJ. Prior to this incident Ealy complained several times about McClure feeling on defends groin area and

squeezing and massaging his chest during a pat down everytime as Ealy came back from religious services. When he threatened to write McClure up, Defendant got upset and sucked his teeth like a female. Plaintiff heard several conversations with him speaking with inmates stating like prefer spanish men and was flirting with spanish inmates on the unit, and was giving them special previllages like letting them stay out to clean.

73. On September 28, 2019, Plaintiff Ealy was confronted by CO McClure and told to pack up! Plaintiff had no idea what was going on while he complied to the officers demand. This was against FCJ rules since the alleged incident happend on September 26, 2019, When Defendant McClure walked past Ealy's cell and stared him up and down while Ealy was shaving with his shirt off. Plaintiff felt violated and put his shirt on and confronted Officer McClure who told him that he had food in his cell from the kitchen, Ealy stated that he was fasting to please leave him alone and that the food is commissary that was in his bowl. Officer McClure never entered Ealy's cell and fabricated the misconduct which was a clear retaliation. Ealy was told that he will be found guilty by LT. Arnold who told Ealy he will not review the camera to verify Ealy was telling the truth, that McClure never entered Ealy's cell on D-unit. (See Exhibit O & 14)

74. Plaintiff felt violated from McClure's previous sexual advancements and called PREA against McClure. PREA is a hotline for inmates to use to report sexual harassment gurads or inmates. And the incident is reported to the jail which in turn the jail to follow procedure reports it to the state police. Ealy found out that the jail administration never notified the state police by Plaintiff's follow up call to PREA.

After these incidents FCJ administration continued to allow McClure to sexually harass Plaintiff by subjecting McClure to make Ealy strip naked in front of him well after Ealy reported Defendant. Plaintiff contacted PREA again and report what happened. PREA stated that this administration was in violation for allowing McClure to be allowed near Plaintiff let alone subject be sexually harassed. (See Exhibit 24 and 25)

75. While in segregation there was an incident with my cellmate who yelled out curse words to an inmate on the unit. On September 30, 2019, Plaintiff was confronted by Defendant J. French who was conducting rounds on the unit. French who asked Ealy and his cellmate Ryan North, "was everything okay"? We both responded yes, we are fine. Officer French smiled at the Plaintiff and said cuff up, Ealy! Plaintiff asked why, he gave the order again and Plaintiff complied. My cellmate asked why was French ordering Ealy to cuff up? French replied mind your business!

76. Defendant French replied to Ealy, " You can go ahead and grieve this", and laughed. Ealy knew then he was being harassed and retaliated on by French. Ealy did nothing to provoke this behavior and was found guilty to receive an extended stay in segregation, causing Ealy more emotional stress. (See Exhibit 15)

77. Plaintiff Ealy PTSD, anxiety and depression increased while he was subject to harassment, discrimination, Retaliation and segregation by several of the same officers. Everytime plaintiff was subjected to the hole he noticed his legal mail dishoveled and grievances he had previously written along with his mail started disappearing, even after his hour yard and showers officers went through his legal

mail and paper work. Also Defendant Sterner, Weller and the Warden denying Ealy copies of grievances and requests that was destroyed by staff while he was in segregation interfering with his right to courts and being Pro-Se. (See Exhibit 8)

79. On September 01, 2019, Defendant J. French made his rounds and stopped in front of Plaintiff's cell, Staring at plaintiff unit Ealy looked up. French stated "That mean look ain't gonna do nothing to me! " Thats why I set you up"! Refering to the fabricated misconduct to extend Ealy's hole stay. Ealy had problems sleeping and his anxiety continued. (see Exhibit 13)

80. On October 3, 2019, Defendant Clendening entered Ealy's unit to served breakfast. Ealy was wondering why he was not the unit officer who worked the unit. Other officers were already serving breakfast, Clendening approached Plaintiff's cell and slammed open Ealy's pothole which made Ealy afraid. Clendening looked in the cell and stated "Ealy! wear you get that ring from!? "There was no ring in your property, I already checked", now give it to me! Ealy stated he was approved of his islamic wedding ring from DW Sullen. Clendening replied "If your lying I will send you to the hole!" Plaintiff became emotionally distressed by him being harassed. (See Exhibit 5)

81. On October 7, 2019, French escorted the male nurse to his cell to take his meds. French opened Ealy's pothole and stated to Ealy "Are you still mad", and laughed at Plaintiff. Plaintiff continued to be harassed by French causing him emotional stress. (See Exhibit 6)

82. Plaintiff was subjected to multiple cellmates that was homosexual or had

rape cases. Plaintiff complained that the administration Sterner was retaliating against him for subjecting him to these inmates. She is responsible for assignment and refused to move Ealy when he requested saying that the administration was deliberately trying to cause conflict from him writing grievances. (See Exhibit 4)

83. On October 31, 2019, Ealy was praying while breakfast was being served. After he finished his prayer, Ealy went out to day space to retrieve his tray. Officer Warrick stated that all the trays ran out so he called the kitchen to send a tray up, denied by Defendant Jones, and Defendant Fink is a homosexual Officer who was in charge with bringing Ealy his tray. Fink refused to bring Ealy his tray causing Ealy emotional distress and hungry, because he was retaliating against me because I PREA his co-worker McClure. Officer Warrick told Ealy he doesn't know why Fink refused to bring his tray (See Exhibit 7)

84. Plaintiff who is a Pro-Se inmate that is currently representing his own criminal cases as well as civil constantly need access the law library. Also Ealy needed to view the MVR so he could file a supporting brief motion the Judge ordered. Ealy previously was allowed to view The MVR in the past and Defendant Sterner. Defendant lost the decision of his motion based on Sterners actions. (See Exhibit 11 & 2)

85. On December 08, 2019, Ealy went out to take his medication. Nurse was being escorted by Defendant Bankert. After taking medication Plaintiff tried to return to his cell and was stopped by Defendant Bankert stating "why is your face covered"! Ealy wrist band was facing down and he showed him his face on his ID was not covered! Ealy replied "why are you keep harassing me"? Bankert replied

"Its my job to bother you"!, Plaintiff became emotionally stressed feeling helpless that the administration was not disciplining the officers. (See Exhibit 9)

86. On January 25, 2020, Defendant Bankert was on the unit and called for meds. Plaintiff Ealy waiting in the front line while another inmate spoke to him about racist officers. Defendant Bankert overheard us and said "Enough of this Shit"!, " Ealy go to your cell now"! Plaintiff complied with his order, soon after meds showed up and Ealy was deprived taking his medication due to Bankert locking him in his cell. Plaintiff suffered a minor anxiety attack and mental distress do to Defendants actions of harassment , discrimination and deprivation of medicatio. Ealy continued to be retaliated and harassed by Bankert to the present day (See Exhibit 3, 21, 23)

87. Plaintiff conitnued to be punished for writing grievances and the whole FCJ administration was retaliating against him. The John Doe Officer on this complaint has been identified as Defendant Bueller who works in the visitors lobby.

88. On January 06, 2020, Plaintiff's Brother who was is only support visited Ealy frequently. Until sometime after Ealy hardships with being retaliated for writing grievances. Defendant Bueller decided to prohibit Ealy's brother to visit him. Ealy spoke with his brother and his brother was stating that Bueller has been acting harsh with him and even made some racist remarks towards him when he came to visit Plaintiff. A few weeks afterwards Ealy was wondering why his brother did not visit him. Upon calling by phone Ealy's Brother stated he was not allowed to visit Ealy no more, of no fault of his own.

89. On or around that same day my standby counsel had a professional visit

with Ealy. Ealy had a motion that was due and his standby counsel brought paper work with him that Ealy requested by phone. Upon arrival Defendant Bueller would not let Ealy standby counsel leave his legal work. Bueller interfered with plaintiff representing himself which made Ealy unprepared for court. On January 03, 2020, Defendants cousin came to visit him who is 15 years old with her older sister who is also defendants cousin from out of state NJ. Defendant Bueller denied Ealy's younger cousin whom he had not seen in 9 years. This made Ealy emotionally stressed and he felt helpless from her retaliating against him. (See Exhibit 14, 15 and 16).

90. January 07, 2020, Defendant was denied to view his MVR by CTS Haldaway. She told me that Defendant Sterner which was her boss told her not to let Ealy View the MVR. Plaintiff is a Pro-Se inmate who is representing himself his criminal cases. It was vital that he view his own evidence which was now being denied by Sterner and the administration of FCJ. Ealy also was denied use of the law library on numerous occasions which resulted in defeat in his criminal case CR-1263-17. This caused Ealy emotional distressed and Ealy no longer felt safe at FCJ from the retaliation. Ealy evidence for court (pictures) was also sent back in the mail he had to present (See Exhibits 17, 18, 19 and 20).

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

91. The Plaintiff has exhausted his administrative remedies with respect to all claims and all defendants. Defendants failed to resolve Plaintiff's complaints and response has been denied.

V. LEGAL CLAIMS

92. Plaintiff reallege and incorporate by reference paragraphs 1-92.

93. Defendants Donatto, Bankert, McClure, J. French, Summers, Clendening, did harass, discriminate and retaliate against Plaintiff by humiliating, verbal abuse and causing mental distress for the period of time Plaintiff Ealy was not violating any prison rule, and was not acting disruptively.

94. Defendants Fink, Jones, did retaliate and discriminate by not serving plaintiff food. Plaintiff Ealy was not violating any prison rule, and was not acting disruptively.

95. The actions of defendants J. Affleck, M. Affleck, Clendening, Rhoades in using physical force against the plaintiff without need or provocation, or failing to intervene to prevent the misuse of force, were done maliciously and sadistically and constituted cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution. Plaintiff Ealy was not violating any prison rule, and was not acting disruptively.

96. The failure of defendants Sterner, Sullen, Smith, Weller, and Bechtold to take disciplinary or other action to curb the known pattern of physical sexual abuse and harassment of inmates by defendants J. Affleck, Clendening, McClure, J. French, Bankert, Donatto, and Summers constituted deliberate indifference to the Plaintiff's and prisoner's safety, and contributed to and proximately caused the above-described violation of Eighth and other Amendment rights and assault, sexual assault and battery.

97. The actions of defendant's Shaffer, Elliot, Avey, Arnold, Creamer, Pertrill, Huntsberry and Bechtold in refusing to call the witnesses requested by the plaintiff, finding him guilty of all frivolous misconducts and failure to investigate plaintiff's claims against defendants. With no evidence to support the charge, providing an inadequate written disposition of the charges of the above defendants in upholding the disciplinary decision, and denied the plaintiff due process of law in violation of the Fourteenth Amendment to the United States Constitution.

98. The actions of the defendant Nurse Bonjovi, Medical Provider and Justin failure to treat plaintiff's wounds on his wrists and mental condition after the attacks. Constitutes deliberate indifference to the plaintiff's serious medical needs in violation of the Eighth Amendment to the United States and constitutes the tort negligence under law of Pennsylvania.

99. All remaining defendants in this complaint are in multiple violations and tort unidentified by the plaintiff and are in direct violation of his constitutional rights and the torts.

VI. PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully pray that this Court enter judgement:

100. Granting Plaintiff Waly a declaration that the acts and omissions described herein violate his rights under the Constitution and laws of the United States, and

101. A preliminary and permanent injunction ordering Defendants to immediately allow Plaintiff access to the courts and stop the destruction, mail tampering with incoming and out going mail and Immediately stop the retaliation, discrimination, assault, frivolous misconducts (segregation), allow the entry of

evidence at FCJ staff and administration.

102. A premiliminary and permanent injuction ordering Defendants to immediately order Defendant to furnish copies of all his grievances, request and grevience and requests via tablet, for his records and the courts.

103. Granting Plaintiff Ealy compensatory damages in the amount of \$2. 5 million dollars against each defendant jointly and severally.

104. Plaintiff seeks punitive damages in the amount of \$375,000 against each defendant jointly and severally.

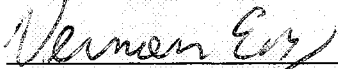
105. Plaintiff also seek a jury tiral on all issues triable by jury,

106. Plaintiff also seek recovery of their costs in this suit, and

107. Any additional relief this court deems just, proper, and equitable.

Date: June 27, 2020

Respectfully submitted,

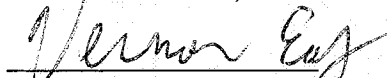


Vernon L. Ealy, Jr., Pro Se
FRANKLIN COUNTY JAIL
1804 Opportunity Ave.
Chambersburg, PA 17201

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein aer true, except as the matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at FCJ, Chambersburg PA on June 27, 2020



Vernon L. Ealy, Jr., Pro Se

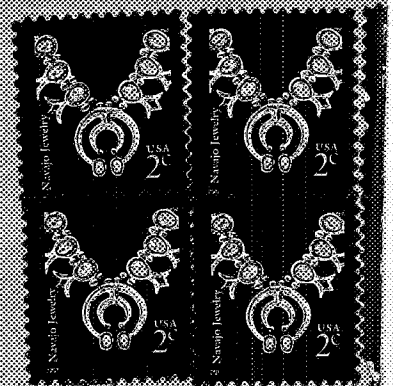
Dannon Ealy
1804 Opportunity Ave
Chambersburg, PA 17201

RECEIVED
SCRANTON

JUL 02 2020

PER

[Signature]
DEPUTY CLERK



ALLN: Clerk

Middle R
P.O. Box
235 N.W.
Scranton

Legal Mail
